

CHAPTER NO. 981**SENATE BILL NO. 3049****By Southerland****Substituted for: House Bill No. 3513****By Yokley, Montgomery**

AN ACT to amend Tennessee Code Annotated, Title 43, Chapter 6, relative to pest control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 6, is amended by adding the following language as a new Part 5:

§ 43-6-501. The general assembly recognizes the negative impact of uncontrolled populations of *simulium jenningsi* and *simulium fibrinflatum* ("black flies") on the economy and quality of life of a region. The general assembly also recognizes that the tourism and agricultural industries can be particularly affected by an overpopulation of black flies and that an overpopulation may be likely to spread throughout the eastern part of the state as black fly populations increase with the improvement of water quality. The general assembly believes that it is important to explore potential solutions to black fly infestation before the black fly problem becomes unmanageable and industries important to the state suffer the consequences of state inaction.

§ 43-6-502.

(a) The University of Tennessee shall initiate and administer a one-year black fly suppression program using a biological control agent in the Greenbrier Valley and the areas adjacent to the Pigeon River under the supervision of the Department of Agriculture. Such program shall begin no later than May 2007. The university shall study the biological and socioeconomic effects of the suppression program on the region. The university shall report its findings to the Department of Agriculture and the Department of Environment and Conservation. The university shall also report the results of the program to the Senate Commerce, Labor, and Agriculture Committee, the Senate Environment, Conservation, and Tourism Committee, the House Agriculture Committee, and the House Conservation and Environment Committee.

(b) The Tennessee Wildlife Resources Agency is authorized to participate in the black fly suppression program in order to promote wildlife management by improving the quality of hunting and fishing conditions in the subject area.

(c) The provisions of this part shall have no application unless funding is specifically provided for and included in the general appropriations bill.

(d) None of the funds for the program authorized by this section shall be expended until all authorizations required by law have become final and effective, including, but not limited to, a permit required by the Water Quality Control Act of 1977, §§ 69-3-101 et. seq.

§ 43-6-503.

The biological control agent used in the program shall be known to pose no significant threat to people, animals, or the environment as used by the program. The Department of Agriculture is authorized to suspend the program indefinitely if the agency has reason to believe that the safety of the citizens or the integrity of the environment of the subject area is threatened.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR